

Notice of Allowability

Application No.

10/596,511

Examiner

John Sipos

Applicant(s)

HAFKER ET AL.

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 5,7,8 and 12-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 6/15/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. J. Mion on May 25, 2007. The amendments were made to clarify the process and the apparatus recited in the claims.

Claims 1-4,6 and 9-11 have been cancelled.

The claims have been rewritten as follows:

--5. An apparatus for transferring liquid substances to cigarettes (12) of a cigarette group (11), corresponding to the contents of a cigarette pack (10), comprising:

a) an endless cigarette conveyer with pockets (20) for transporting respective cigarette groups, the cigarettes (12) of the cigarette groups (11) being arranged in the pockets (20) transversely to the conveying direction such that free end surfaces of the cigarettes (12) are directed sideways, and

b) at least one stationary or movable flavoring subassembly (28) comprising at least one metering unit (29) for transferring the substance(s) to at least one cigarette group (11) as the positions of the metering unit (29) and cigarette group (11) relative to one another momentarily coincide;

c) said flavoring subassembly comprising an introduction needle (32) arranged so that it is introduced into a gap (33) formed between adjacent cigarettes (12) of a cigarette group (11) for transferring a determinable quantity of substance to individual gaps (33) for the operation of feeding the substance.

Art Unit: 3721

7. The apparatus as claimed in claim 5, characterized in that, with the cigarette conveyer being driven cyclically, with a cyclically moving conveying strand (18), said stationary flavoring subassembly (28) is arranged alongside the moving path of the cigarette conveyer such that during the standstill of the cigarette conveyer, one or more metering units (29) arranged one beside the other is/are positioned opposite a respective cigarette group (11) opposite the filter-free ends of the cigarettes (12), and such that, during the standstill, substance can be transferred from the metering unit (29) to the adjacent cigarette group (11).

8. The apparatus as claimed in claim 7, characterized in that said conveyor comprises a pocket chain (17) which is moved cyclically by the distance of four pockets (20) in each case, the flavoring subassembly (28) has four metering units (29) located one beside the other in accordance with the spacing between the pockets (20).

12. The apparatus as claimed in claims, claim 15, characterized in that the substance or a portion thereof (30) is transferred to the inside of an exposed folding tab of the inner wrapper (25) prior to the folding tab being folded.

13. The apparatus as claimed in claim 15, characterized in that the substance is transferred by the metering unit (29), having a nozzle head which is positioned in a stationary manner alongside the movement path of the inner wrapper (25), as the inner wrapper (25), is transported by said folding turret (21), the metering unit (29) or nozzle head (31) for discharging a portion of said substance (30) being directed obliquely, or at an angle, in relation to the folding tab.

14. The apparatus as claimed in claim 12, characterized in that a plurality of portions (30) which follow one after another in the conveying direction is transferred to the folding tab.

15. An apparatus for transferring liquid substances to cigarettes (12) of a cigarette group (11), corresponding to the contents of a cigarette pack (10), comprising:

- a) a packaging folding turret for packing the group of cigarettes in an inner wrapper (25) having folding tabs (42),
- b) a fixed or movable flavouring subassembly (28) which has at least one metering unit (29) for transferring [the] a flavouring substance to the inside |

Art Unit: 3721

surface of at least one folding tab (42) of the inner wrapper (25) during a momentary standstill or during the conveying movement of the folding turret, and

c) a folding mechanism for folding the tab against the cigarettes so that the flavouring substance on the tab is exposed to the cigarettes within the package.—

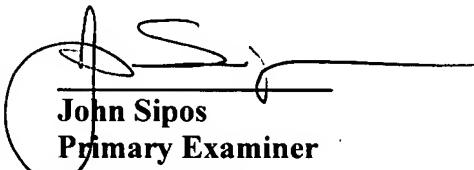
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Examiner John Sipos** at telephone number **571-272-4468**. The examiner can normally be reached from 6:30 AM to 4:00 PM Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at **571-272-4467**.

The **FAX** number for U.S. Patent and Trademark Office is **(571) 273-8300**.



John Sipos
Primary Examiner
Art Unit 3721